IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Tr.P(C).No. 274 of 2007()

PETITIONER

RAJI.R.S., D/O SATHIKUMARI, AGED 24.
PERAPPOOR ROAD, KODAPPANAMKUNNU,
KODAPPANAMKUNNU VILLAGE, MUKKOLA P.O.,
TVM DISTRICT.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENT:

BIJU K.S. S/O KARUNAKARAN, AGED 31 YEARS,
UDAYAVILASAM, KORAVANKONAM,
VENGODU P.O., VATTAPARA VILLAGE,
TVM DISTRICT.

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

Tr.P.(C). 274/2007

Dated this the 19th day of December, 2007

ORDER

This Transfer Petition is preferred to transfer O.P.530/2007 on the file of the Family Court, Nedumangad, to the Family Court, Thiruvananthapuram. Grounds alleged are that O.P.530/2007 is filed deliberately to cause inconvenience and the distance between the Family Court, Nedumangad, and the residence of the petitioner is 15 kilometers more than the distance between the Family Court, Thiruvananthapuram and that of the petitioner. It is also submitted that she has been subjected to harassment. In the decision rendered in **Anindita Das v. Srijit Das (2006 (9) SCC 197) ,** apex Court held as follows:-

> "At one stage, Supreme Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by the Supreme Court. On an average at least 10 to

> 15 transfer petitions are on board of each Court on each admission day. It is, therefore clear that the leniency of the Supreme Court is being misused by women. Supreme Court is now required to consider each petition on its merits."

Now the principal point urged is regarding the distance. The distance between the two Family Courts are only less than 20 kilometers. In the twenty first century, one cannot complaint that it is difficult to travel 20 kilometers by a person. The second ground urged is harassment by the husband from the premises of the Court. Even if it is at Nedumangad or Thiruvananthapuram, if harassment is attempted to be made, it has to be curbed. If such a harassment is faced, petitioner can bring it to the notice of the Family Court, who can pass appropriate orders and directions to curb the same. So transfer will not change that also. Lastly, it is submitted that there is unnecessary adjournment of the proceedings. Court should bestow its attention and try to avoid it and in the days when the transfer

petitioner is not able to attend the Court on account of her difficulties and when a petition is filed for exemption that may be liberally considered by the Court. With these observations Transfer Petition is dismissed.

M.N.KRISHNAN,
Judge

mrcs